

Remarks

Claims 15-19, 40-49, and 51-60 are pending. Claims 33, 35-37, and 39 have been cancelled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of the cancelled claims, including in one or more continuing applications. No claims are added. Claims 15, 16, 19, 40, 43, 44, and 51 have been amended. Support for the claim amendments is provided in the specification as filed, including in paragraphs 91 and 93. No new matter is added by these amendments. Reconsideration and withdrawal of the outstanding rejections is requested in view of the following remarks.

I. Examiner Interview

Applicants sincerely thank Examiner Swartz for the courtesy of the telephonic interview held on April 21, 2009. During the interview, potential claim amendments were discussed that might overcome the outstanding rejections under 35 U.S.C. § 112, ¶ 2.

II. Rejection Under 35 U.S.C. § 112, ¶ 2

The Office action states that claims 15-19, 33, 35-37, 39-49, and 51-60 are indefinite under 35 U.S.C. § 112, ¶2. Applicants traverse there rejections and request that they be withdrawn.

The Office states that the claims are indefinite because they refer to a reference level, but it is not clear what the reference level is or what is its source. Without conceding that the prior language rendered the claims indefinite, Applicants note that the claims have been amended. Claims 15 and 40 have been amended to specify that the reference level is representative of uninfected members of the subject's species. Claim 51 has been amended to specify that the

reference value is a level of soluble PGA in a sample obtained from the vertebrate of interest at another time. Claims 33, 35-37, and 39 are cancelled.

For at least the reasons set forth above, Applicants respectfully assert that claims 15, 40, and 51, and therefore claims 16-19, 41-49, and 52-60 by dependence, are definite. Applicants therefore request that the § 112, ¶ 2, rejections of claims 15-19, 40-49, and 51-60 be withdrawn.

III. Conclusion

Applicants submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or this response, the Examiner is encouraged to call Applicants' attorney, Ryan A. Heck, at (775) 784-8228.

Respectfully submitted,

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